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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/207,871 | 12/08/1998 | JEFF L. HYMER | 95-956CIP | 7390 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2875 | |

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/207,871 | Applicant(s) HYMER, JEFF L. | |
|---|---|---|---|
| | Examiner David V. Hobden | Art Unit 2875 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 March 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *3-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover (1,300,893).

Stover teaches a device for a first relatively tall commercial vehicle for signaling a plurality of other vehicles of much lesser height following there behind having:

a body having a base **10**, and a cover **20** joined to the base,

means for attaching **80** the base to the first vehicle, the body being mountable adjacent to the top of the first vehicle and adjacent to a side (the left side) of the vehicle with the cover facing rearwardly, and

a plurality of translucent lenses **22**,**23** in the cover and a plurality of illumination means **35**-**38** for illuminating each of the lenses selectably to signal to the plurality of following vehicles, the first vehicle having the body mounted adjacent the top thereof at an elevation sufficient for viewing by a plurality of following vehicles arrayed serially behind the first vehicle.

Stover lacks the claimed second body.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second body on the vehicle of Stover, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art (*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8).

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller (5,877,682).

Stover, applied to the rejection of claim 3 above, lacks a plurality of light emitting diodes to illuminate a lens as claimed in the instant invention.

Groeller discloses an automotive signaling device having a plurality of translucent lenses **9**,**10** in a cover **2** and a plurality of illumination means **211**,**230** for illuminating each of the lenses selectably (see column 3, line 63 through column 4, line 5),

the plurality of illumination means each having a plurality of light emitting diodes set in an array to illuminate at least one lens (see column 3, line 63 through column 4, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover with the automotive signaling device of Groeller since Groeller teaches that light emitting diode arrays are beneficial for reducing power consumption and increasing bulb life of automotive signaling devices (see column 1, lines 35-42).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller, and further in view of Roney *et al.* (5,632,551).

Stover, as modified by Groeller, applied to the rejection of claim 4 above, lacks the claimed limitation including a circuit board upon which the plurality of light emitting diodes is mounted.

Roney *et al.* discloses an automotive signaling device having a circuit board **20** positioned between a cover **16** and a base **10**, further including a plurality of light emitting diodes **12** mounted to the circuit board **20** (see column 2, lines 52-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover, as modified by Groeller, with the circuit board mount of Roney *et al.* because Roney *et al.* teaches that light emitting diodes can be mounted to a circuit board in order to help reduce the junction temperature (see column 1, lines 24-58).

1. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (USPN 2,486,476).

Kelly discloses vehicle signaling lights **14** (see figure 1) for signaling change of vehicle speed or direction from a first relatively tall commercial vehicle to a plurality of other vehicles following there behind having at, least one, light adjacent the upper right rear **70,82** (figure 3), and, at least one, light adjacent the upper left rear **74,86** of the first vehicle, each of the, at least one, light is located at an elevation sufficient for viewing by the plurality of following vehicles arrayed serially behind the first vehicle, and electric circuitry (see figure 4) communicating from the first vehicle driver controls to each of the at least one light whereby a first vehicle driver can selectably illuminate each or both of the at least one lights by applying the first vehicle turn signal switches

**100,102**. The, at least one, light has separately illuminateable brake light **84** and turn signal light **82,86** (see figures 1-4; column 1, lines 1-8, and lines 46-53; column 2, line 45 – column 3, line 26).

Kelly does not disclose expressly where a single light combines the function of brake light and turn signal light, or may illuminate each or both of the, at least one lights, lights by applying the first vehicle brakes.

It would have been obvious design choice to one of ordinary skill in the art to have a single light combines the function of brake light and turn signal light, or may illuminate each or both of the, at least one lights, lights by applying the first vehicle brakes. The advantage of doing so would have been needing fewer bulbs in the signal light housing which would make the signal light housing more compact, decrease energy consumption, and increase the reliability of the signal light.

***Response to Arguments***

45. Applicant's arguments filed 15 March 2002 have been fully considered but they are not persuasive. The applicant's arguments are not convincing and do not specifically address the claims.

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David V. Hobden whose telephone number is 703-305-4469. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0956.

dvh
June 17, 2002

Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800